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October 15, 2020

Honorable William H. Pauley III
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Victor Escalante*, 1:19-CR-00911 (WHP)

Dear Judge Pauley:

I represent Victor Escalante in the above-captioned matter. Mr. Escalante's sentencing hearing is currently scheduled for November 12, 2020, after having been previously rescheduled by this Court from its original date of September 9, 2020 due to COVID-19 and the corresponding restrictions on interstate travel. Although he remains at home in El Paso, Texas, Mr. Escalante is still very much looking forward to the opportunity to appear before the Court and address Your Honor in person at his sentencing. However, due to the ongoing COVID-19 pandemic traveling across the country remains incredibly difficult.

Under Governor Cuomo's Executive Order 205, which is still effective, travelers entering New York from states experiencing a significant degree of community-wide spread of COVID-19 are required to quarantine themselves for a period of 14 days. As was the case when Mr. Escalante's sentencing hearing was previously rescheduled, Texas is one of the states so designated, and Mr. Escalante would be subject to a two week quarantine if he were to travel to New York. Traveling at this time two weeks in advance of the hearing and complying with the quarantine procedures (presumably at a hotel) can only be accomplished by incurring excessive inconvenience and cost. Unfortunately Mr. Escalante is not in a position to pay for two weeks in a hotel in New York.

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After discussing this situation with Mr. Escalante and the potential option of a remote sentencing, it remains his strong request to attend his sentencing in person. In light of this, we respectfully request that the date of the hearing be adjourned for sixty (60) days, to hopefully allow for travel and quarantine conditions to improve.

Today, I spoke to Assistant United States Attorney Daniel Nessim about adjourning the sentencing hearing, and he confirmed that the government consents to the application.

Respectfully submitted,

s/ Steven M. Witzel
Steven M. Witzel

SW:jf

Application granted. Sentencing adjourned to January 14, 2021
at 2:00 p.m.

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

October 16, 2020